

**Introduced by Senator Aanestad**

February 24, 2006

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An act to amend Section 182.6 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1694, as introduced, Aanestad. Transportation: federal funds: allocation to counties.

Existing law requires the Department of Transportation to apportion certain federal transportation funds known as regional surface transportation program funds to specified regional agencies, which in turn apportion their share of funds for projects in each county within their jurisdiction, including funds for secondary highways. Existing law in that regard requires the apportionment to each county of an amount that is not less than 110% of the amount each county received in federal fiscal year 1990–91 under what was then known as the federal-aid secondary program.

This bill would require additional apportionments to each county for these purposes based on a specified formula as a result of changes to federal law.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 182.6 of the Streets and Highways Code
- 2     is amended to read:
- 3     182.6. (a) Notwithstanding Sections 182 and 182.5, Sections
- 4     188, 188.8, and 825 do not apply to the expenditure of an amount
- 5     of federal funds equal to the amount of federal funds apportioned

1 to the state pursuant to that portion of subsection (b)(3) of  
2 Section 104, subsections (a) and (c) of Section 157, and  
3 subsection (d) of Section 160 of Title 23 of the United States  
4 Code that is allocated within the state subject to subsection (d)(3)  
5 of Section 133 of that code. These funds shall be known as the  
6 regional surface transportation program funds. The department,  
7 the transportation planning agencies, the county transportation  
8 commissions, and the metropolitan planning organizations may  
9 do all things necessary in their jurisdictions to secure and expend  
10 those federal funds in accordance with the intent of federal law  
11 and this chapter.

12 (b) The regional surface transportation program funds shall be  
13 apportioned by the department to the metropolitan planning  
14 organizations designated pursuant to Section 134 of Title 23 of  
15 the United States Code and, in areas where none has been  
16 designated, to the transportation planning agency designated  
17 pursuant to Section 29532 of the Government Code. The funds  
18 shall be apportioned in the manner and in accordance with the  
19 formula set forth in subsection (d)(3) of Section 133 of Title 23  
20 of the United States Code, except that the apportionment shall be  
21 among all areas of the state. Funds apportioned under this  
22 subdivision shall remain available for three federal fiscal years,  
23 including the federal fiscal year apportioned.

24 (c) Where county transportation commissions have been  
25 created by Division 12 (commencing with Section 130000) of the  
26 Public Utilities Code, all regional surface transportation program  
27 funds shall be further apportioned by the metropolitan planning  
28 organization to the county transportation commission on the  
29 basis of relative population.

30 In the Monterey Bay region, all regional surface transportation  
31 program funds shall be further apportioned, on the basis of  
32 relative population, by the metropolitan planning organization to  
33 the regional transportation planning agencies designated under  
34 subdivision (b) of Section 29532 of the Government Code.

35 (d) The applicable metropolitan planning organization, county  
36 transportation commission, or transportation planning agency  
37 shall annually apportion the regional surface transportation  
38 program funds for projects in each county, as follows:

39 (1) An amount equal to the amount apportioned under the  
40 federal-aid urban program in federal fiscal year 1990–91 adjusted

1 for population. The adjustment for population shall be based on  
2 the population determined in the 1990 federal census except that  
3 no county shall be apportioned less than 110 percent of the  
4 apportionment received in the 1990–91 fiscal year. These funds  
5 shall be apportioned for projects implemented by cities, counties,  
6 and other transportation agencies on a fair and equitable basis  
7 based upon an annually updated five-year average of allocations.  
8 Projects shall be nominated by cities, counties, transit operators,  
9 and other public transportation agencies through a process that  
10 directly involves local government representatives.

11 (2) An amount not less than 110 percent of the amount that the  
12 county was apportioned under the federal-aid secondary program  
13 in federal fiscal year 1990–91, for use by that county. *Beginning*  
14 *with the 2006–07 fiscal year and continuing each succeeding*  
15 *year, 20 percent of the federal apportionments under the*  
16 *discretionary portion of the equity bonus program shall be*  
17 *distributed to counties receiving funds under this subdivision in*  
18 *the same proportional share that each county received funds*  
19 *under this subdivision prior to that change.*

20 (3) *An amount not less than thirty million dollars*  
21 *(\$30,000,000), or 15 percent of the federal apportionment of the*  
22 *discretionary portion of the equity bonus program as determined*  
23 *by Section 105(d)(2) of Title 23 of the United States Code,*  
24 *whichever is higher, for distribution to counties in the same*  
25 *proportional share that each county receives pursuant to*  
26 *paragraph (2).*

27 (e) The department shall notify each metropolitan planning  
28 organization, county transportation commission, and  
29 transportation planning agency receiving an apportionment under  
30 this section, as soon as possible each year, of the amount of  
31 obligation authority estimated to be available for program  
32 purposes.

33 The metropolitan planning organization and transportation  
34 planning agency, in cooperation with the department, congestion  
35 management agencies, cities, counties, and affected transit  
36 operators, shall select and program projects in conformance with  
37 federal law. The metropolitan planning organization and  
38 transportation planning agency shall submit its transportation  
39 improvement program prepared pursuant to Section 134 of Title  
40 23 of the United States Code to the department for incorporation

1 into the state transportation improvement program not later than  
2 August 1 of each even-numbered year beginning in 1994.

3 (f) Not later than July 1 of each year, the metropolitan  
4 planning organizations, and the regional transportation planning  
5 agencies, receiving obligational authority under this article shall  
6 notify the department of the projected amount of obligational  
7 authority that each entity intends to use during the remainder of  
8 the current federal fiscal year, including, but not limited to, a list  
9 of projects that will be obligated by the end of the current federal  
10 fiscal year. Any federal obligational authority that will not be  
11 used shall be redistributed by the department to other projects in  
12 a manner that ensures that the state will continue to compete for  
13 and receive increased obligational authority during the federal  
14 redistribution of obligational authority. If the department does  
15 not have sufficient federal apportionments to fully use excess  
16 obligational authority, the metropolitan planning organizations or  
17 regional transportation planning agencies relinquishing  
18 obligational authority shall make sufficient apportionments  
19 available to the department to fund alternate projects, when  
20 practical, within the geographical areas relinquishing the  
21 obligational authority. Notwithstanding this subdivision, the  
22 department shall comply with subsections (d)(3) and (f) of  
23 Section 133 of Title 23 of the United States Code.

24 (g) A regional transportation planning agency that is not  
25 designated as, nor represented by, a metropolitan planning  
26 organization with an urbanized area population greater than  
27 200,000 pursuant to the 1990 federal census may exchange its  
28 annual apportionment received pursuant to this section on a  
29 dollar-for-dollar basis for nonfederal State Highway Account  
30 funds, which shall be apportioned in accordance with subdivision  
31 (d).

32 (h) (1) If a regional transportation planning agency described  
33 in subdivision (g) does not elect to exchange its annual  
34 apportionment, a county located within the boundaries of that  
35 regional transportation planning agency may elect to exchange its  
36 annual apportionment received pursuant to ~~paragraph~~ paragraphs  
37 (2) and (3) of subdivision (d) for nonfederal State Highway  
38 Account funds.

39 (2) A county not included in a regional transportation planning  
40 agency described in subdivision (g), whose apportionment

1 pursuant to ~~paragraph~~ *paragraphs* (2) and (3) of subdivision (d)  
 2 was less than 1 percent of the total amount apportioned to all  
 3 counties in the state, may exchange its apportionment for  
 4 nonfederal State Highway Account funds. If the apportionment to  
 5 the county was more than 3 ½ percent of the total apportioned to  
 6 all counties in the state, it may exchange that portion of its  
 7 apportionment in excess of 3 ½ percent for nonfederal State  
 8 Highway Account funds. Exchange funds received by a county  
 9 pursuant to this section may be used for any transportation  
 10 purpose.

11 (i) The department shall be responsible for closely monitoring  
 12 the use of federal transportation funds, including regional surface  
 13 transportation program funds to assure full and timely use. The  
 14 department shall prepare a quarterly report for submission to the  
 15 commission regarding the progress in use of all federal  
 16 transportation funds. The department shall notify the commission  
 17 and the appropriate implementation agency whenever there is a  
 18 failure to use federal funds within the three-year apportionment  
 19 period established under subdivision (b).

20 (j) The department shall provide written notice to  
 21 implementing agencies when there is one year remaining within  
 22 the three-year apportionment period established under  
 23 subdivision (b) of this section.

24 (k) Within six months of the date of notification required  
 25 under subdivision (j), the implementing agency shall provide to  
 26 the department a plan to obligate funds that includes, but need  
 27 not be limited to, a list of projects and milestones.

28 (l) If the implementing agency has not met the milestones  
 29 established in the implementation plan required under  
 30 subdivision (k), prior to the end of the three-year apportionment  
 31 period established under subdivision (b), the commission shall  
 32 redirect those funds for use on other transportation projects in the  
 33 state.

34 (m) Notwithstanding subdivisions (g) and (h), regional surface  
 35 transportation program funds available under this section  
 36 exchanged pursuant to Section 182.8 may be loaned to and  
 37 expended by the department. The department shall repay from  
 38 the State Highway Account to the Traffic Congestion Relief  
 39 Fund all funds received as federal reimbursements for funds  
 40 exchanged under Section 182.8 as they are received from the

- 1 Federal Highway Administration, except that those repayments
- 2 are not required to be made more frequently than on a quarterly
- 3 basis.

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